

**PA13-238**

SB0803

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

**VETO  
SESSION**

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HOUSE OF REPRESENTATIVES

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please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay. The ayes have it. The amendment is adopted. Would you care to remark further on the bill as amended?

REP. GENTILE (104th):

Mr. Speaker, I move this bill be placed on Consent.

SPEAKER SHARKEY:

The question is to move this item on Consent.  
Without objection so ordered. Will the Clerk please call Calendar 631.

THE CLERK:

Calendar 631, favorable report of the joint standing Committee of Energy and Technology, substitute Senate Bill 803, AN ACT CONCERNING ENTREPRENEURIAL PROGRAMS FOR THE NEXT GENERATION OF OYSTER HARVESTERS.

SPEAKER SHARKEY:

Representative Gentile.

REP. ALBIS (99th):

Thank you, Mr. Speaker. I move for joint

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acceptance of the committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER SHARKEY:

Representative Albis, thank you. The question before the Chamber is acceptance of the joint committee's favorable report and passage of the bill. Will you remark, Sir?

REP. ALBIS (99th):

Mr. Speaker, the Clerk has LCO 7321.

SPEAKER SHARKEY:

Will the Clerk please call 7 -- LCO 7321 previously designated Senate Amendment A.

THE CLERK:

Senate Amendment A, LCO 7321 introduced by Senator Meyer.

SPEAKER SHARKEY:

The Gentleman seeks leave of the Chamber to summarize. Is there objection? Seeing none, please proceed with summarization.

REP. ALBIS (99th):

Mr. Speaker, this promotes agriculture in Connecticut. I move adoption.

SPEAKER SHARKEY:

Will you move -- the question is adoption of

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Senate Amendment A. Will you remark? If not, let me try your minds. All those in favor of Senate Amendment A please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay. The ayes have it. The amendment is adopted. Would you care to remark further on the bill as amended?

REP. ALBIS (99th):

Mr. Speaker, I move this item to Consent.

SPEAKER SHARKEY:

The question is to move this item to the Consent Calendar. Is there objection? Is there objection?  
So ordered. Will the Clerk please call Calendar 634.

THE CLERK:

Calendar 634, favorable report of the joint standing Committee of Judiciary, substitute Senate Bill 886, AN ACT CONCERNING AGING IN PLACE.

SPEAKER SHARKEY:

Representative Gentile. Representative Serra.

REP. SERRA (33rd):

Thank you, Mr. Speaker. Mr. Speaker, I move for acceptance of the joint committee's favorable report

1040, 326, 803, 886, 1065, 983, 190 and 158 on the  
Consent Calendar.

SPEAKER SHARKEY:

Representative -- Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move adoption of the Consent  
Calendar.

SPEAKER SHARKEY:

Staff and guests to the well of the House.

Members take your seats. The machine will be opened.  
Open the board, Mr. Clerk. Open the board for the  
Consent Calendar. Staff and guests to the well of the  
House. Members take your seats. The machine will be  
opened for the Consent Calendar.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will  
members please come to the well of the Chamber please.  
The House is voting immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members  
voted? Members please check the board to make sure  
your vote is properly cast. If all the members have  
voted the machine will be locked and the Clerk will

take a tally. Will the Clerk please announce the tally.

THE CLERK:

On the Consent Calendar, Mr. Speaker.

Total Number Voting	146
Necessary for Adoption	74
Those voting aye	146
Those voting nay	0
Absent and not voting	4

SPEAKER SHARKEY:

The bill -- or the Consent Calendar passes.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker.

SPEAKER SHARKEY:

Mr. Majority Leader.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move we adjourn sine die.

SPEAKER SHARKEY:

The motion is to adjourn sine die. Seeing no objection, so ordered.

(On motion of Representative Aresimowicz of the 30th District, the House adjourned at 12:02 o'clock a. m.,

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**CONNECTICUT  
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SENATE

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THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Meyer?

SENATOR MEYER:

I want to thank Senator McKinney for those supportive words. And if there's no other objection or problem, may this go on the Consent Calendar, please?

THE CHAIR:

Seeing no objection, so ordered. Mr. Clerk.

THE CLERK:

On Calendar page 36, Calendar Number 120, substitute for Senate Bill Number 803, AN ACT CONCERNING ENTREPRENEURIAL PROGRAMS FOR THE NEXT GENERATION OF OYSTER HARVESTERS Favorable Report from the Committee on the Environment.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you Madam President. I do move acceptance of the committee's Joint and Favorable Report and passage of this bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, sir.

SENATOR MEYER:

Madam President, there is a strike-all amendment, and I'd ask that the Clerk kindly call LCO 7321.

THE CHAIR:

Mr. Clerk.

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THE CLERK:

LCO 7321, Senate Amendment "A", offered by Senators Meyer, Chapin, et al.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

I move the amendment and ask permission to summarize.

THE CHAIR:

Motion is on adoption of the amendment. Will you remark, sir?

SENATOR MEYER:

Yes, thank you, Madam President. Colleagues, you'll see from this bill that this is another collaborative effort between various senators and representatives on both sides of the aisle. And the bill essentially, which is a strike-all, essentially does two things. First of all, it -- it recognizes the fee that we collect from companies that are running pipes -- pipelines across Long Island Sound, and starting at line 17, it divides that pipeline fee into different parts. Some of it to go to the Shellfish Fund. Other to go to the Expand and Grow Agricultural Fund, and the rest of it to go to the General Fund. It's just a breakdown of where that fee goes.

The second part of the bill is a very exciting bill for us. It really creates a new industry. It creates a new seaweed industry. Seaweed, I discovered as I tried to research this, is something that is extremely popular in other parts of the world, but has not really grabbed well in either Connecticut or the United States. It's popular in South America and in Asia.

And what the Department of Agriculture has done here is it's created this new seaweed industry by establishing a license. There would be a license fee of \$25 per acre. And the -- that -- that land, that property under the water will be used for the planting and cultivating of seaweed. And any person licensed would be able to possess, ship,

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transport, or sell seaweed. The -- the licensee must make a good faith effort to cultivate and harvest seaweed from the licensed area. And the -- there will be an effort by the Commissioner of Agriculture not to interfere with existing shellfish rights. So that is what this bill does. And I urge its support. Thanks.

THE CHAIR:

Will you remark? Will you remark? Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President. Madam President, I also rise in support of this amendment before us. As the Chairman said, this bill came from the -- was actually two separate bills, I believe, or pieces of two separate bills that came from the Department of Agriculture. And both bills did have hearings before the Environment Committee, and I think the language before us is good language, and I certainly encourage my colleagues to support it. Thank you Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? If not -- oh, Senator McKinney.

SENATOR MCKINNEY:

Thank you. Madam President, I admit to being torn on this amendment. Not because I don't like the amendment, but because I -- I wish we could have had more discussion on the underlying bill regarding what was the development of an entrepreneurial program for young oyster harvesters. Very controversial topic, and I understand why it's not going forward. But I will vote for the amendment, but look forward to a day, perhaps next session, where we can have more of a discussion about making our very good oyster industry even better to grow what is a very important industry for the State of Connecticut. Just as I know Senator Meyer and Senator Chapin and believe they're probably right that we can similarly cultivate and grow a seaweed industry as well. Thank you.

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Thank you? Will you remark further? Will you remark further? If not, let me try your minds on Senate "A". All those in favor please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" is adopted. Senator Meyer.

SENATOR MEYER:

Just in -- in brief response to Senator McKinney's remarks, Madam President, through you, I think that next year we will be able to do the oyster program that he is referring to. I think that we've had some communication issues that are being resolved, and I just want to be optimistic with respect to the fact that the Environment Committee will be able to do that next year. So if there's no objection or further comment, may I ask this go on the Consent Calendar.

THE CHAIR:

Are there any objections? Senator Kane -- no, okay. Then seeing no objections, so ordered. It will be placed on the Consent Calendar. Thank you. Will you -- Mr. Clerk.

THE CLERK:

On Calendar page 36, Calendar Number 21, Senate 121, Senate Bill Number 918. AN ACT CONCERNING THE DUTIES OF VETERINARIANS WHEN PRESCRIBING PRESCRIPTION MEDICATIONS --

THE CHAIR:

Excuse me, sir. I'm sorry. Which one was that again? 21. Thank you. Okay. Please -- please proceed.

THE CLERK:

AN ACT CONCERNING THE DUTIES OF VETERINARIANS WHEN PRESCRIBING PRESCRIPTION MEDICATIONS, Favorable Report of

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Mr. Clerk.

THE CLERK:

On page 3, Calendar 202, Senate Bill 979. Calendar 215, Senate Bill 912. On page 15, Calendar 466, House Bill 5602. Page 35, Calendar 106, Senate Bill 916. Page 36, Calendar 120, Senate Bill 803 And Calendar 121, Senate Bill 918. On page 37, Calendar 132, Senate Bill Number 79, and Calendar 138, Senate Bill 886. On page 38, Calendar 196, Senate Bill Number 961. On page 39, Calendar 233, Senate Bill 995. On page 42, Calendar 301, Senate Bill 1015. Page 44, Calendar 385, Senate Bill 1070. Page 47, Calendar 504, House Bill 5345. And on page 48, Calendar 367, Senate Bill 804.

THE CHAIR:

I apologize. At this time, Mr. Clerk, seeing no objection, will you call for a roll call vote and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber.

THE CHAIR:

Have all members voted? All members have voted? The machine will be closed. Mr. Clerk, will you call a tally please?

THE CLERK:

On today's Consent Calendar,

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Senator Looney, you have

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENVIRONMENT  
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tld/gbr ENVIRONMENT COMMITTEE

February 15, 2013  
11:00 A.M.

CHAIRMEN: Senator Meyer  
Representative Gentile

MEMBERS PRESENT:

SENATORS: Chapin, Maynard

REPRESENTATIVES:

Albis, Shaban, Case,  
Backer, Bolinsky, Bowles,  
Buck-Taylor, Davis,  
Hennessy, Megna,  
P. Miller, C. Miner, Mushinsky,  
O'Dea, Ryan, Sampson, Sear,  
Urban, Vicino, Wilis, Ziobron

SENATOR MEYER: Ladies and gentlemen. Can we come to order please? This is the Public Hearing of the Environment Committee. We have some 11 bills we're going to hear today. We thank your -- we thank you for your interest. Commissioner Reviczky you're lead off here. Nice to see you.

COMMISSIONER STEVEN K. REVICZKY: Good morning Chairman Gentile, Chairman Meyer, Vice-Chair Albis and ranking member Chapin. My name is Steve Reviczky. And I serve as Commissioner of the Connecticut Department of Agriculture. I am here to testify on the Department's 2013 legislative agenda. Joining me this morning from the Department of Agriculture are George Kribda who serves as our Legislative Program Manager and Public Information Officer. Steve Anderson and Linda Petrowitz from the Office of the Commissioner, and Doctor of Veterinary Medicine, Bruce Sherman, Director and Wane Cosegic Assistant Director of the Bureau of Regulation and Inspection.

Also joining me is David Carey, Director of the Bureau of Aquaculture and Jay Dipple who

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involving eggs sold directly to consumers by a producer.

I must mention that some additional language that was worked out between the two agencies has been inadvertently omitted in the transmission of the Department of Agriculture's proposal. And we will continue to work with the committee to further refine this proposal.

And finally we come to three bills that are extremely important -- important to the Department's heralded aquaculture program. House Bill 6318, An Act Concerning the Cultivation of Seaweed. Senate Bill 803, An Act Concerning Aquaculture Job Growth. And Senate Bill 805, An Act Concerning the Taking of Eastern Oysters.

The Connecticut Department of Agriculture's charged that the lead agency for the development of aquaculture in the state, Connecticut General Statute Section 22-11d. House Bill 6318 addresses seaweed cultivation. And in -- an industry recently identified as one with economic potential in Connecticut but also one currently with the administrative framework necessary to issue licenses for seaweed cultivation in specific areas of -- of the coastal waters of Long Island Sound. The proposed legislation addresses the absence of that administrative framework required to advance seaweed cultivation as an industry in Connecticut.

It supports the development of seaweed cultivation in Connecticut as a sea vegetable to be used as a food source and agricultural product with the potential for these new Connecticut grown seaweed products to replace those currently imported into the United

sustainable, green industry with tangible and measurable environmental benefits including nutrient remediation of excess nitrogen, and phosphorous and water clarity improvements.

Since species cultivated in Connecticut will be cultured rather than harvested from the wild, there will be no negative impact to existing native stocks. The adoption of the legislation will assist in green job creation in the agriculture sector and will create new revenue for the state by enabling the agency to charge a per acre fee in areas of Long Island Sound that are not currently in production for other species.

Bill 803 addresses job growth. This legislation will enable the Department of Agriculture to eliminate existing barriers to small and emergent companies interesting -- interested in entering the shellfish industry. The development of smaller scale, gear oriented, cage cultured shellfish aquaculture operations can provide significant job growth and related economic benefits. These smaller companies can operate with a small percentage of the overhead associated with traditional bottom culture cultivation.

Traditional bottom culture shellfishing requires large vessels equipped with dredges, a large boat crew, a larger number of acres and is subject to significant storm related losses. In contrast, cage culture aquaculture operations can start out quite small. As a large number of case -- cages can be placed in a smaller area and can be worked with a smaller boat and crew. These small aquaculture operations produce a premium product that can -- that can demand a higher price. They can succeed with more limited resources than required for traditional bottom

cultivation.

This legislation is -- is an attempt to promote existing smaller companies and improve -- and improve their economic sustainability. It also enables the unrestricted creation of new companies in order to develop green environmental -- environmentally friendly jobs. The intent of this legislation is to encourage job creation and foster revenue generating businesses. The existing sealed bid process established in Section 26-194a awards leases to the highest responsible bidder.

The proposed new legislation in sub-section f would enable existing shellfish operations that lease than fewer than 500 acres to petition the Department of Agriculture for additional acreage. The Commissioner would be able to designate proposed lease to the highest responsible bidder meeting these new requirements. Subsection g, enables the Commissioner to designate up to 25 acres to any new shellfish applicant at a fee of \$25 per acre.

The lease -- the lease area must be cultivated by the individual and it would not allow sub-leasing assignment or transfer. If the operation ceases the ground would return to the state. This change would provide the smallest existing shellfish companies an opportunity to acquire additional acreage limiting their competition to companies of -- of similar size and resources. These companies will be required to pay a minimum fee, that is more than five times than the current open bidding process allows.

Twenty five acres is proposed because many new aquacultures want to start small. It is

reasonable to lease the -- as few as five acres to operate, 25 to 50 cages successfully. This -- this fee has been established because it is the average lease cost per acre.

Finally, we arrive at our last bill. Senate Bill 805, An Act Concerning the Taking of Eastern Oysters. The Department of Agriculture respectfully requests the adoption of this legislation which will support the growth -- growth of new shellfish companies. Connecticut has the potential for incredible economic growth in it -- in its oyster industry provided the state can remove some existing legislative and administrative hurdles. This proposed act would remove one of those barriers. Connecticut's shellfish industry currently is dominated by a few large companies. Connecticut General Statute Sections 26-234b which limits the sale of oysters less than three inches fuels the dominance and inhibits entry of new small shellfish companies severely diminishing economic growth for the industry.

The language of Connecticut General Statute Section 26-234b was originally crafted to restrict open free market commerce among small scale oysterman in favor of larger companies which dominate the industry -- which dominated the industry at that time. Unfortunately an unintended consequence of this statute is the exclusion of the renowned Connecticut Oyster from the boutique -- boutique market -- oyster market. This market is ideally suited to smaller shellfish producers and currently is the fastest growing segment of the industry in other parts of the country.

The proposed change would be effective in eliminating the free market restrictions of the originally crafted statute. Connecticut's

also mature and spawn at the two inch stage. Spawning and settlement rates are affected more by environmental factors than size. The oysters affected by these proposed changes are already located on private leased shellfish beds in deeper water where spawning and settlement occurs at a much -- at much lower rates than the shallow water near shore.

Connecticut was world renowned for its oyster production in the late 1800's and for its pre-oyster value in the 1990's. Today, a large portion of -- of the state's 80,000 acres of private and public shellfish grounds are operated by only ten oyster producers. Connecticut shellfish harvesters are not required to report landings but it is estimated that 220,000 100 count bags of oysters of having a value of \$8 million were harvested in Connecticut in 2010.

In contrast, Rhode Island's 43 producers operating on only 161 acres of beds, in 2011 produced 4 million oysters or 40,741 100 count bags valued at \$2.5 million. It is clear that Connecticut has the potential for incredible economic growth in its oyster industry as long as some of these current legislative and administrative hurdles are removed. With that in mind, the Department of Agriculture respectfully requests adoption of this legislation.

And that concludes my testimony. And I'm happy to answer any questions. And I do have staff here who can assist.

SENATOR MEYER: Thank you, Commissioner. I -- my eight years in this Committee I don't recall the Department of Agriculture ever submitting as broad and comprehensive a package of bill as you've done this year. So we -- we thank

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you for that. You've given us a lot to think about and a lot to work on.

I had a couple of questions on -- on just two bills. Senate Bill 803 related to aquaculture job growth. There are two people in the shoreline, their names are Doctor Dan Snider and Tim Bisell who -- who talk to the Committee a lot and to me personally as -- as their state Senator, about a -- a new industry. Connecticut supporting a new aquaculture industry and that is soft shell clams. Do you have a view -- a view about that and whether or not we should encourage that? And if so, if your department and bureau could -- could provide some cooperation on that.

COMMISSIONER STEVEN K. REVICZKY: So, I too have talked to many times with Doctor Snider. And it -- you know, he is focused on the soft shelled clam harvest. Part of the issues related to what he's proposing to do is the manner in which he would like to pursue that harvest which is sucking up all material from the bottom of the estuaries, picking out the soft shelled clams and then redepositing what's left overboard.

One of the things that we've encouraged him to do is to work toward getting a proper analysis and inventory of what's available. You know, what -- what are the -- are the numbers of soft shelled -- soft shelled clams that might be available and we really haven't seen that work done yet. But, obviously what he's proposing to do with also involve other regulatory agencies. So there would have to be much broader -- much broader group that comes together that would move his proposal anywhere near forward.

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SENATOR MEYER: So what you're -- you're saying is that the ball is still in his court? And he hasn't really made out the case yet for a successful new industry?

COMMISSIONER STEVEN K. REVICZKY: Yes. And I don't know if -- if David has any -- I think I've handled it.

SENATOR MEYER: Yes. Okay.

COMMISSIONER STEVEN K. REVICZKY: There's a lot of work to do.

SENATOR MEYER: Okay. The last -- the last comment or question I had was the next bill, Senate Bill 804 that relates to home grown products in Connecticut and the fact that -- that we will give preference to home grown products and what you've done here in this bill is -- is added to the number of products that are grown in Connecticut that will be given a preference in buying. And in doing that -- in making the additions of beef, pork and lamb as you've done here in this bill, I'm wondering why you didn't complete it by also adding fish.

It look -- it looks like you're trying to be more comprehensive in terms of recognizing home grown food in Connecticut and you've -- on the meat side you've expanded it with beef, pork and lamb. Is there a reason that fish is left out? Is what I'm asking you.

COMMISSIONER STEVEN K. REVICZKY: Not on purpose. I -- I basically there have been -- there's been a lot of conversation at the regional level, New England specifically, in terms of increasing our ability to get locally grown foods into industrial markets -- industrial market schools K through 12, colleges,

SENATOR MEYER: Okay. Our next witness is Henry Talmage of the Farm Bureau.

Good morning, Henry.

HENRY TALMAGE: Good morning, Senator Meyer, Representative Gentile, Senator Chapin, Representative Albis and members of the Committee. My name is Henry Talmage, the Executive Director of the Connecticut Farm Bureau. I come before you today to speak in support of ten different bills. I'm going to group -- you have my written testimony. Farm Bureau represents 5,000 farming families in Connecticut from all types of agriculture, large, small across the state in all different categories.

I think what I'd like to do following the Commissioner's explanation of these bills is kind of group them together in three logical categories as I will. First would be economic development, egg, job growth and expansion opportunity with regard to market expansion. I also -- I co-chair the Governor's council in egg -- egg development. And work closely with the Commissioner and the rest of the commission on this. And the idea here is to grow our agricultural sector.

So, House Bill 613, AN Act Concerning Locally Grown Poultry in Connecticut Food Markets. House Bill 6318, An Act Concerning the Cultivation of Seaweed. Senate Bill 803, An Act Concerning Aquaculture Job Growth. Senate Bill 804, An Act Concerning Preference for Connecticut Grown Protein in Certain State Contracts. And Senate Bill 805, Am Act Concerning the Taking of Easter Oysters.

From our perspective all of these have a

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possess these traits that are needed to go on and do what the police and military are requesting. And I can definitely go into deeper detail about what those tests are and so on. But, I hope that answers --

REP. ZIOBRON: Yes. No, thank you. I -- I just -- you know -- it made me wonder why we can't fill that void either.

MEREDITH VALLILLO: -- yes.

REP. ZIOBRON: No. Thank you. That was very helpful.

MEREDITH VALLILLO: Thank you.

SENATOR MEYER: Any other questions? Comments?

Thanks so much.

MEREDITH VALLILLO: You're welcome. Thank you.

SENATOR MEYER: The last witness on our list who was signed up is Chris Cryder of Connecticut Fund for the Environment.

CHRIS CRYDER: Good afternoon. Senator Meyer, Representative Gentile and members of the Environment Committee, my name is Chris Cryder. And I'm an Outreach Associate for Save the Sound Program of Connecticut Fund for the Environment. And today I'm testifying in support of the underlying intent of Senate Bill 803, SB 805 and HB 6318. Three bills that will help create jobs in the aquaculture industry.

Make Connecticut's oystering industry more competitive and offer environmental benefits like cleaning the Sound's waters. We do believe, however, a few tweaks are needed for

SB 805 and HB 6318. I'll touch on a few highlights but you should have the full testimony in your packets. The greatest ecological threat facing Long Island Sound is hypoxia or oxygen deprivation.

As you can see from the hypoxia map, on page two of our written testimony, every year out of the waters of Long Island Sound lose their ability to sustain life. The low oxygen level start around New Haven and progressively get worse as you go west. Fortunately, we also know the key to healing the Sound is reducing nitrogen pollution that comes from sewage treatment plants as well as run off.

Thanks to investments by this legislature and the Governor in the Clean Water Fund, we continue to make great strides. But to fully restore the Sound additional tools will be needed and need to be added to the nitrogen elimination strategy. One of those, bio extraction, is where the three aquaculture bills before you today come in.

Bio extraction is a natural process whereby farming and harvesting shellfish and seaweed results in the removal of nitrogen and other nutrients from our water bodies including Long Island Sound. And these three bills would promote increased shell fish and macro algae production, kelp and seaweed, and harvesting. And activity that scientists agree will help fix the dead zone which is the hypoxia issue.

For this testimony, I'd like to focus on two of the three bills, HB 6318 provides a mechanism for seaweed farming on Long Island Sound. Growth if this industry has the potential to do great good for Long Island Sound's waters. We would like to suggest however, that even more progress for Long

Island Sound could be made if the proposed language were to modify the direct new but nominal fees acquired from this license to the habitat restoration matching subaccount of the state's Long Island Sound Fund. And we have suggested language in our written testimony. I won't go through all of that.

SB 805 would remove the three inch size limit on oysters that could be taken from the Sound. While we support the intent of the bill we do not believe a complete repeal of 26-234b is warranted. Instead we suggest that two inches be substituted for three in the existing statute. Opening this size limit by one extra inch would allow small oystering operations to use least shell fish beds that have been traditionally overlooked for oyster production. Thus allowing them to be -- allowing them to better compete in the marketplace.

Small, local oyster producers are ideally suited to supply oysters to boutique raw bars. A rapidly growing market segment. Removing this obstacle will allow growth in this industry. All of these activities will have a positive effect on the number of filter feeders cultivated in Long Island Sound. And each one will remove nitrogen when it's harvested.

In conclusion, we ask that you support the Sound shellfish and seaweed industries by supporting SB 803 and modified versions of 805 and 6318. That will bolster the economy, create -- create new jobs and put the estuary back on track towards a sustainable future. Thanks.

SENATOR MEYER: Thank you, Mr. Cryder.

We -- we do know your suggested revisions. And we'll hold your -- hold your testimony so that we'll consider those. The Committee will consider those.

CHRIS CRYDER: Great.

SENATOR MEYER: I want to try to take advantage of your expertise a bit on another subject. If I could? The bill is not before us today yet. Do you have a professional opinion as to why our lobster population is gone from Long Island Sound?

CHRIS CRYDER: Unfortunately, I am not a scientist. And I -- I don't have the qualifications to answer that. I've studied and -- and read a lot. But I'm not an expert so. I have opinions but I -- but I can't be considered an expert witness on that.

SENATOR MEYER: All right. Then do -- do you have a layman's opinion about it?

CHRIS CRYDER: Layman's. Yes. Layman's -- essentially in my opinion it's a variety of issues. It's a variety of issues that ultimately impact the -- the lobsters immune system and its ability to thrive from a combination of things including the warming of our waters, certain chemicals that are in our waters and other factors that lead to putting too much stress on these lobsters.

They're at the end of their habitat zone. Lobsters that are in Long Island Sound live in Long Island Sound but don't live south of Long Island Sound. So they're at the very end of their thermal range already. And so, the Sound's warming waters is a problem. Of course, our run off and pollutants that come from various sources is a problem. And



Steven K. Reviczky  
Commissioner

# STATE OF CONNECTICUT

DEPARTMENT OF AGRICULTURE  
OFFICE OF THE COMMISSIONER



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**Testimony presented to the Environment Committee of**

**The Connecticut General Assembly**

**By the Connecticut Department of Agriculture**

**February 11, 2013**

## **S.B. 803 - AN ACT CONCERNING AQUACULTURE JOB GROWTH**

**Chairmen Meyer and Gentile, Vice Chairs Maynard and Albis, Ranking Members Chapin and Shaban and members of the Environment Committee, thank you for the opportunity to testify today.**

The Department of Agriculture's Bureau of Aquaculture is the lead authority on shellfish regulation and aquaculture development in the state. In those capacities the agency is pleased to provide this testimony in support of the proposed bill, An Act Concerning Aquaculture Job Growth.

This legislation will enable the Department of Agriculture to eliminate existing barriers to small and emerging companies interested in entering the shellfish industry.

The development of smaller-scale, gear-oriented, cage-culture shellfish aquaculture operations can provide significant job opportunities and related economic benefits. These smaller companies can operate with a small percentage of the overhead associated with traditional bottom-culture cultivation. Traditional bottom-culture shellfishing requires large vessels equipped with dredges, a large boat crew, a larger number of acres, and is subject to significant storm-related losses.

In contrast, cage-culture aquaculture operations can start out quite small, as a large number of cages can be placed in a smaller area and can be worked with a smaller boat and crew. These small aquaculture operations produce a premium product that can demand high prices—they can succeed with more limited resources than required for traditional bottom cultivation.

The shellfish industry in Connecticut currently is in excellent shape. Hard clam production and continued successful clam recruitment has allowed commercial shellfish operators to maintain record high harvests for the past seven years.

Oyster producers are slowly coming back into production after the 1998 oyster disease outbreaks. Recovery had been slow, as no commercial scale oyster sets were seen until 2004; however oyster recruitment has grown exponentially since. Oysters have re-colonized all areas

that were devastated by the disease event. The Department of Agriculture does recognize, however, that enhancement efforts should be undertaken to increase the level of recruitment in the natural seed oyster beds if we are to sustain continued high harvest numbers.

Connecticut shellfish production has reached extraordinary levels, but there is significant room for growth.

This legislation is an attempt to promote existing smaller companies and improve their economic sustainability. It also enables the unrestricted creation of new companies in order to develop "green," environmentally friendly jobs. The intent of this legislation is to encourage job creation and foster revenue generating businesses.

It is important that an overview of shellfish administration and industry be provided to place this new legislation into context.

There are presently 40 shellfish operations licensed to harvest and pack shellfish for interstate distribution. Only 28 of these operations have state-leased or town-franchised grounds that they harvest; the remaining 12 companies are extremely small and lease from a town.

The 28 larger operations cultivate 54,118 acres of state-leased and 5,000 acres of town-franchised grounds. In the late 1800s, the state and towns recorded in Superior Court areas known as "public natural seed oyster beds," which comprise about 20,000 acres from Greenwich to New Haven. The combined acreage of these state-leased, town-franchised, and public beds amounts to 80,000 acres.

This 80,000 acre figure is significant, as it is virtually unchanged from the acreage that was cultivated in the late 1800s, when Connecticut produced record numbers of oysters that were internationally renowned for their quality.

The Connecticut franchise shellfish bed system was created in 1865. It was instrumental in the development of the oyster industry, which continued to expand through 1915.

In 1915, the mechanism of issuing a right to plant and cultivate shellfish was changed, and all new shellfish parcels were issued as leases. The enabling legislation allowed for the transfer of leases, but did not provide for any adjustments in the fees over time.

In 2006, the minimum fee on leases was statutorily adjusted to \$4.00/acre on all active leases originating as far back as 1915. This is important to note because only the largest companies use the \$4.00/acre leases to plant and cultivate shellfish, while almost all of the smaller operations use leases in which the average cost is \$24.00/acre, and in many cases much higher.

The majority of state-leased acreage is located between Greenwich and East Haven, to a water depth of 45 feet, and as far as several miles from shore. The potential for additional development in the western half of the state is extremely limited, as most of the bottom located at depths of 40 feet or less is currently under cultivation or utilized as a public natural oyster seed bed.

Using a GIS software tool, the Department of Agriculture has calculated that another potential 88,000 acres of leased area exists between Branford and Stonington.

**Important note:** The Department of Agriculture has made no changes to the existing shellfish lease statute 26-194a, which presently is used by any individual or shellfish company to acquire additional lease grounds. This proposed bill instead creates two new subsections (f & g).

Subsection (g) enables the Commissioner of Agriculture to designate up to 25 acres to any new shellfish applicant, at a fee of \$25.00/acre. The lease must be cultivated by that individual; no subleasing, assignment, or transfer can occur. If the operation ceases, the ground returns to the state.

The acreage of 25 acres is proposed because many new aquaculturists want to start small. It is reasonable to lease as few as 5 acres and operate 25 to 50 cages successfully. This fee has been established because it is the average lease cost per acre (see above).

A change to the current process is needed. Without a mechanism for a new company to enter the industry, interested parties often discard their proposed aquaculture project as they become frustrated with the cumbersome and cost-prohibitive process.

The existing sealed-bid process, established in section 26-194a, awards leases to the highest responsible bidder. The proposed new legislation in subsection (f) would enable existing shellfish operations that lease fewer than 500 acres to petition the Department of Agriculture for additional lease acreage. The commissioner would be able to designate the proposed lease to the highest responsible bidder meeting these new requirements.

The lease must conform to the qualifying standards above at a minimum fee of \$25.00/acre, rather than the \$4.00/acre minimum established in section 26-194a. The individual must plant and cultivate shellfish on the lease. Any lease awarded under this section cannot be subleased, transferred, or assigned, unlike those issued under 26-194a.

This change would provide the smallest existing shellfish companies an opportunity to acquire additional acreage, limiting their competition to companies of similar size and resources. These companies will still be required to pay a minimum fee that is more than five times higher than the current open-bidding process allows.

Connecticut must take steps to ensure that the overall industry remains healthy and viable by affording smaller companies with limited resources the opportunity to expand. The benefit of this legislative change would only favor companies that continue to cultivate shellfish, and can be used only until a company acquires a combined 500-acre total.

The Department of Agriculture has significant concerns with the current leasing program:

- 1) The largest and longest-operating companies pay an extremely low average lease rate;
- 2) Several medium-sized companies have paid extremely high lease rates that are not necessarily driven by the shellfish resource available;

- 3) Small harvesters have raised valid concerns that the existing process limits their ability to place additional grounds up for bid. More often than not, such bids have been awarded to much larger companies with far greater resources, at exorbitant per acre rates of up to 98 times the minimum statutory rate.

The existing sealed-bid process involves several steps:

- 1) An individual identifies grounds that he/she would like to acquire;
- 2) The grounds are engineered by the Department of Transportation;
- 3) The Department of Agriculture places those grounds up for public bid;
- 4) The proposed grounds are awarded to the highest bidder via the sealed-bid process.

These leases are proposed by new and small companies looking for area to start or expand their operation; however these companies almost never win a lease under the existing sealed-bid system. Instead, the record indicates that established companies have continuously bid on newly proposed grounds at a rate much higher than the average, effectively shutting out new or small companies seeking to expand.

The important distinction is that these large established companies do not themselves identify these grounds as desirable until someone else puts the grounds up for bid. The effect of these actions by the established companies is that new and smaller companies are blocked from acquiring the grounds that they themselves have identified as desirable for shellfish cultivation.

Small companies do not have the financial resources to pay such extremely high rates, so time and time again; they have lost out on an opportunity to expand their businesses. This situation is not conducive to the long-term viability, diversification, or sustainability of Connecticut's shellfish industry.

The Department of Agriculture does recognize that the existing process has resulted in many higher-than-average per-acre lease payments from existing large operations. However, the awarding of those leases has prevented the development of new operations and the expansion of the smallest operations. It has also prevented the creation of new jobs and the increased economic activity associated with the acquisition of infrastructure and materials needed to enter the shellfish industry.

The large companies will insist they have the right to grow their business and the Department of Agriculture agrees. The proposed statutory change will not prevent established companies from identifying and proposing new leases upon which to bid. It does serve to prevent established companies from bidding at excessively high rates on grounds identified and proposed by new and small individually-owned companies.

Thank you.

**Thank you for your time today and for your thoughtful consideration of this testimony. Please let us know if we can provide any additional information that would be helpful.**



Testimony of:  
Save the Sound  
a program of Connecticut Fund for the Environment



In Support of  
SB 803, AAC AQUACULTURE JOB GROWTH  
SB 805, AAC THE TAKING OF EASTERN OYSTERS  
HB 6318, AAC THE CULTIVATION OF SEAWEED

Before the Environment Committee  
February 11, 2013  
Submitted by Leah Schmalz, Dir. of Legislative and Legal Affairs

*Connecticut Fund for the Environment is a non-profit organization that, along with its regional program Save the Sound, works to protect and improve the land, air and water of Connecticut and Long Island Sound on behalf of its 5,500 members. We develop partnerships and use legal and scientific expertise to achieve results that benefit our environment for current and future generations.*

Dear Senator Meyer, Representative Gentile, and members of the Environment Committee:

Thank you for the opportunity to comment on Senate Bill 803, An Act Concerning Aquaculture Job Growth; Senate Bill 805, An Act Concerning the Taking of Eastern Oysters; and House Bill 6318, An Act Concerning the Cultivation of Seaweed.

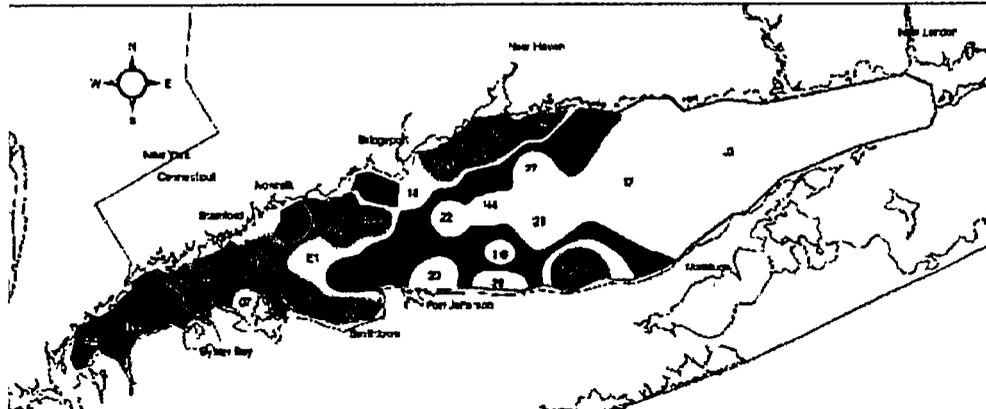
Save the Sound, a program of Connecticut Fund for the Environment **supports the underlying intent of these bills**, which together will create jobs in the aquaculture industry, make Connecticut's oystering industry more competitive, and offer environmental benefits like cleaning Long Island Sound's waters. However, we agree with the Department of Agriculture ("DoAg"), that language clarification is needed in SB 805 and HB 6318 to ensure the goals of these bills are fully met. We also believe that the funds generated through the new, but minimal fees proposed in HB 6318 should be directed to the Habitat Restoration Matching Fund, a sub-account of the Long Island Sound Fund.

Scientists, regulators and Save the Sound concur: The greatest ecological limitation facing Long Island Sound is hypoxia, or oxygen deprivation, and reducing nitrogen pollution is the single most important action step we can take to restore the long term health of this ecosystem. While human misuse of the Sound began causing hypoxic conditions in the Sound for the first time about 150 years ago, its ecological impacts – and the low point for the Sound – came sharply into focus in August 1989, as fishermen and boaters from Port Jefferson to Norwalk to the East River witnessed an environmental disaster. Lobsters crawled onto land in an effort to breathe and massive schools of fish floated belly side up, caused by a complete anoxic crash.

Nitrogen is a nutrient that fuels the growth of certain types of phytoplankton, a phenomenon known as an algal bloom. When the algal blooms die and decompose, they rob the Sound of oxygen.



## Dissolved Oxygen in Long Island Sound Bottom Waters August 14 - 16, 2012



The 2012 August Hypoxia Survey was conducted 14-16 August. Forty-one stations were sampled using the R/V John Dempsey. Bottom water dissolved oxygen concentrations were below 4.8 mg/L at 34 stations. A total of 23 stations were below 3.0 mg/L, four of those were below 2.0 mg/L, and two were below 1.0 mg/L. The lowest concentration was observed at A4 (0.90 mg/L). After 3 years without any DO values below 1.0 mg/L (last time was in 2008), both A4 and B3 went severely hypoxic. The area of bottom water affected by hypoxia (DO < 3.0 mg/L) is 268.5 square miles (747.1 sq km) compared to 130.3 square miles (337.6 sq km) in 2011 and 0 square miles (0 sq km) in 2010. The area of bottom water with DO less than 1.0 mg/L is 17.7 square miles (45.8 sq km).

Dissolved Oxygen	Severity of Impact
0.0 - 0.99	Severe
1.0 - 1.99	Moderately severe
2.0 - 2.99	Moderate
3.0 - 3.49	Marginal
3.5 - 4.79	Interim management goal
4.8+	Excellent - Supportive of marine life

After computer modeling in the 1990s predicted that a significant reduction in nitrogen would greatly reduce overall adverse biological effects caused by hypoxia Sound-wide,<sup>1</sup> the region—particularly Connecticut—began investing in sewage treatment plant upgrades to eliminate excess nitrogen. While we continue to make strides on that front, the Long Island Sound community agrees that still more will be needed to restore Long Island Sound. To that end, two additional tools will be added to the nitrogen elimination strategy, along with continued work on sewage plant upgrades: non-point source pollution reduction and bio-extraction. It is this last tool of bio-extraction that is related to the three aquaculture bills before you today.

<sup>1</sup> In the late 1990's, EPA LISS modelers predicted the following ecological benefits from reducing nitrogen 58.5% to the following specific locations in the Sound.

In the western Narrows, death rates of larvae of marine life sensitive to hypoxia were predicted to be reduced by 67 percent; adverse impacts to fish abundance predicted to be reduced by 97 percent; adverse impacts on scup (porgy) abundance were predicted to be reduced by 61 percent, on winter flounder abundance by 99 percent, and effects on lobster abundance were predicted to be eliminated.

In the waters off of New Haven, mortality of sensitive larvae were predicted to be reduced by 65 percent and adverse impacts on fish abundance were predicted to be eliminated.

In the waters off of Stony Brook, NY, larval mortality were predicted to be reduced by an estimated 84 percent and adverse impacts on fish abundance were predicted to be eliminated.

Finally, while the LISS analysis focused on the open waters of the Sound, improvements were and are expected in harbors, embayments, and near shore waters as well (Source: CT DEP and NY DEC, A Total Maximum Daily Load Analysis to Achieve Water Quality Standards for Oxygen in Long Island Sound, December 2000, p. 23).

Bioextraction is the natural process whereby farming and harvesting shellfish and seaweed results in the removal of nitrogen and other nutrients from water bodies.<sup>2</sup> A Long Island Sound 2009 modeling result presentation from HydroQual demonstrates that a major expansion of shellfish and macroalgae culture, coupled with our existing 58.5% Total Maximum Daily Load reduction mandate, could decrease wildlife mortality in the Western Sound's "dead zone".<sup>3</sup> In fact according to a workshop of international experts held in 2009 by the Long Island Sound Study, "modeling analysis has shown that nutrient bioextraction can potentially be very effective in improving dissolved oxygen levels and in helping to attain water quality standards in a cost effective manner. Further economic, ecological and modeling evaluation of nutrient bioextraction through a coordinated pilot program is a necessary next step to facilitate further exploration of nutrient bioextraction in Long Island Sound."<sup>4</sup>

These bills would promote increased shellfish and macroalgae production and harvesting in Long Island Sound, both of which would assist in the restoration of Long Island Sound's health.

**SB 803** builds our state's shellfishing resources by allowing up to seventy-five percent of the host payments received under 26-194c (generally from energy projects traversing Long Island Sound) to be directed towards the Shellfish Fund established under 26-237b; provides authority to develop a management program to assist shellfishermen in relocating shellfish should a utility or public structure project displace their stock from undesignated areas, and rightfully directs any funds the state agency derives from such activities to the Shellfish Fund; helps create new small businesses in aquaculture by allowing citizens to cultivate shellfish on 25-acre parcels in Long Island Sound; and helps grow existing aquaculture enterprises by allowing the DoAg to assist with business development. All of these activities will have a positive effect on the number of filter feeders cultivated in Long Island Sound; each one will remove nitrogen when it is harvested.

**SB 805** would remove the three-inch size limit on oysters that can be taken from the Sound. While we support the intent of the bill, we do not believe a complete repeal of 26-234b is warranted. Instead we suggest that "two" be substituted for "three" in the existing statute. Opening this size limit by one extra inch would allow small oystering operations to use leased shellfish beds that have been traditionally overlooked for oyster production thus allowing them to better compete in the market-place. Small, local oyster producers are ideally suited to supply oyster to boutique "raw bars," a rapidly-growing market segment; removing this obstacle will allow growth in the industry.

**HB 6318** provides the DoAg with the authority to issue licenses and otherwise regulate seaweed farming in Long Island Sound—an industry with strong potential for profitable and environmentally-friendly growth. This authority will allow DoAg to locate farming where it will not conflict with licensed fishing area and other existing uses of the Sound, to protect the Sound from invasive plants, and to develop processing standards. Growth of this industry has the potential to do great good for Long Island Sound's water quality. Additional progress could be made if the proposed language were modified to direct the nominal fees acquired from this license to the Habitat Restoration Matching Subaccount of the state's Long Island Sound Fund. Save the Sound suggests the following language change:

<sup>2</sup> [http://longislandsoundstudy.net/wp-content/uploads/2010/06/Bioextraction\\_factsheet.pdf](http://longislandsoundstudy.net/wp-content/uploads/2010/06/Bioextraction_factsheet.pdf)

<sup>3</sup> [http://longislandsoundstudy.net/wp-content/uploads/2010/06/SWEMbiohrvstrprt2\\_12\\_04\\_09.pdf](http://longislandsoundstudy.net/wp-content/uploads/2010/06/SWEMbiohrvstrprt2_12_04_09.pdf)

<sup>4</sup> <http://longislandsoundstudy.net/wp-content/uploads/2010/06/Workshop-Summary-Report-Final.pdf>

Sec. 2. (NEW) (Effective from passage) (a) The Commissioner of Agriculture may issue a nontransferable license, in the name of the state, under such policies as the commissioner may prescribe and for a period of not greater than five years and an annual license fee of twenty-five dollars per acre, for the planting and cultivating of seaweed in any area within Connecticut's coastal waters. Such fees shall be deposited in the Habitat Restoration Matching Subaccount established pursuant to 22a-27v (d). Any person who has a shellfishing ground lease authorized pursuant to section 26-194 or 26-257a of the general statutes shall not be required to remit such annual license fee. Any person licensed pursuant to this section may buy, possess, ship, transport or sell seaweed that meets the applicable requirements of section 22-11h and 22-11i of the general statutes, as amended by this act, and any regulation adopted pursuant to said sections 22-11h and 22-11i. For the purpose of this section, "seaweed" means seaweed, as defined in section 22-11i of the general statutes, as amended by this act.

In conclusion, Long Island Sound is one of the most densely populated waterbodies in the country, with nearly 1/10th of the U.S. population living within 50 miles of its shoreline. While tremendous progress has been made in improving the health of the Sound, major long term investment is needed to meet environmental objectives and improve the Sound's economic vitality. Supporting the Sound's shellfish and seaweed industries through SB 803, SB 805 and HB 6318 will bolster the economy, create new jobs, and put the estuary back on track towards a sustainable future.

Thank you for your consideration

Sincerely,

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February 15, 2013

**Testimony in Support of:**

**H.B. No. 6313 AN ACT CONCERNING LOCALLY GROWN POULTRY IN CONNECTICUT FOOD MARKETS.**

**H.B. No. 6314 AN ACT CONCERNING CERTAIN REVISIONS TO THE COMMUNITY FARMS PROGRAM.**

**H.B. No. 6316 AN ACT CONCERNING THE STATE PURCHASE OF DEVELOPMENT RIGHTS FOR AGRICULTURAL LAND PRESERVATION.**

**H.B. No. 6317 AN ACT CONCERNING REGISTRATION OF GROWERS OF SWINE AND THE CONTROL OF CERTAIN DISEASES.**

**H.B. No. 6318 AN ACT CONCERNING THE CULTIVATION OF SEAWEED.**

**S.B. No. 802 AN ACT CONCERNING CONNECTICUT'S EGG STATUTES.**

**S.B. No. 803 AN ACT CONCERNING AQUACULTURE JOB GROWTH.**

**S.B. No. 804 AN ACT CONCERNING A PREFERENCE FOR CONNECTICUT GROWN PROTEIN IN CERTAIN STATE CONTRACTS.**

**S.B. No. 805 AN ACT CONCERNING THE TAKING OF EASTERN OYSTERS.**

**S.B. No. 806 AN ACT CONCERNING THE MUNICIPAL PURCHASE OF DEVELOPMENT RIGHTS FOR AGRICULTURAL LAND PRESERVATION.**

Submitted by: Henry N. Talmage, Executive Director, Connecticut Farm Bureau Association

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*The following testimony is submitted on behalf of the Connecticut Farm Bureau, a statewide nonprofit membership organization of over 5,000 families dedicated to farming and the future of Connecticut agriculture.*

Senator Meyer, Representative Gentile and Members of the Environment Committee:

**H.B. No. 6313 AN ACT CONCERNING LOCALLY GROWN POULTRY IN CONNECTICUT FOOD MARKETS.**

Connecticut Farm Bureau Association supports H.B. 6313 as an expansion of PA 10-103 to add retail food markets as an approved food source. This is the logical next step following passage of the Farms, Food and Jobs bill of 2010 which established a program for CT grown, processed and inspected poultry to be sold by farmers at their farms, farmers markets, restaurants and boarding houses. This bill will allow Connecticut poultry producers to also sell fresh Connecticut poultry to retail food establishments and thereby provide Connecticut consumers with additional access to fresh Connecticut grown poultry. Initiatives such as this

Connecticut Farm Bureau Association supports S.B. 802 which will assist in clarifying state agency jurisdiction over the regulation of egg production, processing and distribution and the exemption for egg producers who sell directly to consumers.

**S.B. No. 803 AN ACT CONCERNING AQUACULTURE JOB GROWTH.**

Connecticut Farm Bureau Association supports S.B. 803 which will provide smaller, new companies access to Connecticut's shellfish beds thereby contributing to the expansion and diversity of the Connecticut aquaculture industry.

**S.B. No. 804 AN ACT CONCERNING A PREFERENCE FOR CONNECTICUT GROWN PROTEIN IN CERTAIN STATE CONTRACTS.**

Connecticut Farm Bureau Association supports S.B. 804 to allow for Connecticut Grown beef, pork and lamb to be considered in state food procurement contracts. This initiative will help expand markets for Connecticut livestock producers and provide greater opportunities to meet the demand for CT Grown meats.

**S.B. No. 805 AN ACT CONCERNING THE TAKING OF EASTERN OYSTERS.**

Connecticut Farm Bureau Association supports S.B. 805 which would remove the current size restriction on Connecticut Grown oysters thereby creating new market opportunities for Connecticut shellfish producers by allowing them to provide oysters sized to meet market preferences.